

REMARKS***Remaining Claims***

Claim 1 has been amended to more clearly point out and distinctly claim the invention. Support for the phrase "wherein said contact lens containers are stopped by a stopper bar prior to said creating marks step" can be found on page 4, the second complete paragraph. Claim 13 has been cancelled. After these amendments are entered, fourteen (14) claims (Claims 1, 3-7, 10-12, 14, 15, 22-23 and 25) remain pending in this application through this Amendment.

Rejection of Claims under 35 USC §103(a)

1. Claims 1, 3-7, 10, 13, and 15 were rejected under 35 USC 103(a) as being unpatentable over Martin '087, in view of Duis et al. '090 and Kiyosaki JP 08-047784. This rejection is respectfully traversed for the following reasons.

Applicants have amended claim 1 to include an online process in which a stopper bar is used to stop the containers prior to the marking step. The primary reference, nor the secondary references disclose such a technique. Specifically, Martin is directed to a method of steam-sterilizing a contact lens label, but does not disclose an online process or a pause in the process to stop the contact lens container prior to the creating marks step. Duis does not correct this deficiency. Rather, Duis relates to a structure for a packaging arrangement. Duis does not disclose using a stopper bar to stop contact lens containers prior to a laser marking process. Similarly, Kiyosaki does not disclose a method or apparatus that uses a stopper bar to stop contact lens containers prior to a laser marking process. Rather, Kiyosaki relates to a marking method that uses PVC for a container film and a gas laser light for laser light in blister packaging.

Applicants respectfully submit that because none of the cited references disclose using a stopper bar to stop containers prior to laser marking, there can be no motivation to combine the primary reference Martin '087 with secondary references Duis '090 and Kiyosaki JP 08-047784.

Applicants respectfully submit that the primary reference, alone or in combination with the secondary reference, does not provide any motivation or guidance to a person skilled in the art to make necessary changes to its disclosure to arrive at the present invention; the combination of the cited references not teach or suggest all the claim limitations; and as such a *prima facie* case of obviousness can not be established. Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection.

2. Claims 1-7, 10-13 and 15 were rejected under 35 USC 103(a) as being unpatentable over Martin et al. '087 in view of Duis et al. '090, Kiyosaki JP 08-047784, and Roy '771. Claim 13 has been cancelled. The rejection over claims 1-7, 10-12, and 15 is respectfully traversed for the following reasons:

Applicants have amended the claims to include an online process in which a stopper bar is used to stop the containers prior to the creating marks step. The primary reference, nor the secondary references, disclose such a technique. Specifically, Martin is directed to a method of steam-sterilizing a contact lens label, but does not disclose an online process or a pause in the process to stop the contact lens container. Duis does not correct this deficiency. Rather, Duis relates to a structure for a packaging arrangement. Duis does not disclose using a stopper bar to stop contact lens containers prior to a laser marking process. Similarly, Kiyosaki does not disclose a method or apparatus that uses a stopper bar to stop contact lens containers prior to a laser marking process. Rather, Kiyosaki relates to a marking method that uses PVC for a container film and a gas laser light for laser light in blister packaging. Additionally, Roy 771 does not disclose a method or apparatus that uses a stopper bar to stop contact lens containers prior to a laser marking process. Roy relates to a laser drilling process that uses a digital laser marking system to produce holes.

Applicants respectfully submit that because none of the cited references disclose using a stopper bar to stop containers prior to laser marking, there can be no motivation to combine the primary reference Martin '087 with secondary references Duis '090, Kiyosaki JP 08-047784, and Roy '771.

Applicants respectfully submit that the primary reference, alone or in combination with the secondary reference, does not provide any motivation or guidance to a person skilled in the art to make necessary changes to its disclosure to arrive at the present invention; the combination of the cited references not teach or suggest all the claim limitations; and as such a *prima facie* case of obviousness can not be established. Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection.

3. The combination of Martin et al. '087 in view of Duis et al. Kiyosaki JP 08-047784, and Roy '771 also forms the basis for the rejection of claims 1-7, 10-13, 15, 22, 23 and 25-26 under 35 USC 103(a) as being unpatentable over Martin et al. '087 in view of Duis et al. Kiyosaki JP 08-047784, and Roy '771, in combination with one additional secondary reference (Bornfleth et al. '683). As discussed above, the combination of et al. '087 in view of Duis et al. Kiyosaki JP 08-047784, and Roy '771 **does not** render the present invention as currently claimed obvious. The additional

secondary reference (Bornfleth et al. '683) **can not** fill the gap left by the combination of Martin et al. '087 in view of Duis et al. Kiyosaki JP 08-047784, and Roy '771 because Bonrfleth also does not disclose the use of a stopper bar to stop contact lens containers prior to laser marking. Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection.

4. Claims 1-7, 10-13, 15,22,23, and 25-26 were rejected under 35 USC 103(a) as being unpatentable over Martin et al. '087 in view of Duis et al., Kiyosaki JP 08-047784, and Kim et al. '878. This rejection is respectfully traversed for the following reasons.

As discussed above, the combination of Martin et al. '087 in view of Duis et al. Kiyosaki JP 08-047784, and Kim et al. '878 **does not** render the present invention as currently claimed obvious. The additional secondary reference (Kim et al. '878) **can not** fill the gap left by the combination because it also does not disclose the use of a stopper bar. Applicant respectfully submits that the present invention as currently claimed is patentable over Martin et al. '087 in view of Duis et al. Kiyosaki JP 08-047784, further in view of Kim et al. '878. Applicant respectfully requests withdrawal of the 35 U.S.C. §103(a) rejection.

CONCLUSION

For the foregoing reasons, Applicants submit that Claims 1, 3-7, 10-12, 14, 15, 22-23 and 25 are patentable over the cited prior art. Applicant respectfully requests reconsideration and withdrawal of the claim rejections set-forth in the Office Action and allowance of claims 1, 3-7, 10-12, 14, 15, 22-23 and 25.

Should the Examiner believe that a discussion with Applicants' representative would further the prosecution of this application, the Examiner is respectfully invited to contact the undersigned. Please address all correspondence to Robert Gorman, CIBA Vision Corporation, Legal Patent Department, 11460 Johns Creek Parkway Duluth, GA 30097-9897. The Commissioner is hereby authorized to charge any other fees which may be required under 37 C.F.R. §§1.16 and 1.17, or credit any overpayment, to Deposit Account No. 50-2965.

Respectfully submitted,



Karen A. Borrelli
Reg. No. 52,638
(678) 415-3690

Date: 10 November 2004

CIBA Vision Corporation
Legal Patent Department
11460 Johns Creek Parkway
Duluth, GA 30097-9897